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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,116	06/30/2000	Ben Speiser	FORE-65	4695

7590

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EXAMINER

KADING, JOSHUA A

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/610,116

Applicant(s)

SPEISER ET AL.

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to because the aggregators and separators of figures 1, 4A, and 4B are in contradiction with their definitions in the specification. On page 12 the aggregator is defined as the functional equivalent of a multiplexer (i.e. it takes a plurality of data streams and outputs 1 data stream) and the separator is defined as the functional equivalent of a demultiplexer (i.e. it takes 1 data stream and outputs a plurality of data streams). If these are the definitions of these devices, how can the aggregator of figures 1, 4A, and 4B have 1 signal enter it and 3 signals leave; and how can the separator of figures 1, 4A, and 4B have 3 signals enter it and 1 signal leave? A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. The phrase "stripes of fragments" from claim 1 is not supported in the specification. The term "stripes" is disclosed in the specification, as is "fragments", but nowhere in the specification are "stripes of fragments" disclosed.

5           The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

          Claims 1-13 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as  
10   being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

          Claim 1 states, "stripes of fragments". It is not clear what "stripes of fragments" means. The specification states that "stripes" come from the "striper" (page 11, the  
15   definition of striper; and page 13, lines 16-18). The specification also states that "fragments" come from the "striper" (page 7, lines 21-24 and figure 7). Therefore it is unclear how there can be "stripes of fragments" when both come from the striper?

          In regard to claims 4 and 15, the terminology "240G slow" and "240G fast" is  
20   used. Although applicant has pointed to the specification (page 9, lines 20-32) as defining the terms "240G slow" and "240G fast", it is still unclear what these terms mean. What is a "seepdup of 2 versus a speedup of 1"? Is a speedup of 2 from 240G the same as 480G, i.e. is 480G double 240G? Also, page 9, lines 26-28 states, "to make things symmetrical, an additional transmitter was added to the striper". However,

the "gigabit signals" chart on page 126 shows the amount of transmitters between the two modes is the same (see "implemented striper to fabric bus" section), both modes have 1 transmitter.

5            Claim 12 discloses "changing a mode of fabrics, port cards and networks". First, it is unclear if the "network" on line 11 of claim 12 is referring to one of the previous mentioned "networks" on line 6 or if it is referring to the "network" disclosed on line 4 of claim 12. Second, how does the "mode" of networks get changed? Networks are linked together by many devices to communicate with each other. How is it possible to change  
10 the "mode" of networks and all their devices as each device is different and operates by different standards, as do the networks?

### ***Response to Arguments***

The objections regarding various informalities of the specification and claims  
15 have been withdrawn.

As described above, the terms "240G slow" and "240G fast" are still unclear.

Although applicant has amended claim 1 and all depending claims to include the  
20 term "stripes of fragments" to overcome Lentz (and Lentz in view of Heddes), the added phrase is rejected under 35 U.S.C. 112, second paragraph, as can be read above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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JK  
February 6, 2004

Joshua Kading  
Examiner  
Art Unit 2661

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**